

**EXECUTIVE SUMMARY OF  
WESTERN MASSACHUSETTS ELECTRIC COMPANY'S INITIAL  
COMMENTS IN D.T.E. 01-54 (Phase I)**

Western Massachusetts Electric Company ("WMECO") supports the Department of Telecommunications and Energy ("Department") in its efforts to make the retail electricity market a truly competitive one. In doing so, the Department should continue to treat customers' interests as paramount but should also weigh carefully the role distribution companies are asked to fill and the costs imposed upon distribution companies.

The Department's directive in its June 29 Order to make Default Service customers' names, addresses and rate classes available to qualified competitive suppliers and brokers was a positive step toward further retail competition. WMECO has no objection to broadening the list to include the same data for Standard Offer customers.

Names, addresses and rate class data must be distinguished, however, from customer usage-type information that is proprietary pursuant to the Electric Utility Restructuring Act and the Department's regulations and precedent. Under a protocol worked out between competitive suppliers and distribution companies that respects the sensitive nature of the information, these data are being provided to authorized competitive suppliers efficiently and expeditiously. WMECO interprets the Department proposal on page 8 of its June 29 Order in this proceeding as endorsing and building upon the present successful system. WMECO agrees with this approach.

WMECO, however, is not in agreement with providing customers' credit information to competitive suppliers. Credit information is available from other sources, and suppliers at the Department's July 24 technical session in this proceeding generally did not seek customer credit information from distribution companies.

Other methods of disclosing proprietary customer information were discussed at the July 24 technical session. One method discussed was to release all the information except for those customers that explicitly asked not to participate (the "Opt-Out" plan). WMECO opposes this proposal as highly

unfriendly to customers and extremely time-consuming and expensive. In addition, it is contrary to the Department's regulations and the Electric Utility Restructuring Act.

Another proposal, the Opt-In plan, could be implemented under the existing laws and regulations but retains many of the same drawbacks as the Opt-Out plan. It requires an extensive customer education effort, creates an administrative burden on distribution companies, and inappropriately makes a distribution company an intermediary between competitive suppliers and customers.

Finally, in response to the Department's briefing question regarding the use of electronic signatures, WMECO knows of no state statute that would allow a customer switch to be accomplished without a written signature, if the signature option under G.L. c. 164, § 1F(8) is being used. WMECO is aware of the Electronic Signatures in Global and National Commerce Act ("E-Sign Act"), 15 U.S.C. § 7000 *et seq.* More extensive research is warranted to ascertain whether the E-Sign Act pre-empts some or all of the written signature requirements in the Electric Utility Restructuring Act and the Department's regulations.